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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/697,310	10/31/2003	Ming-Tao Hua	9885	
75	90 11/01/2004		EXAM	INER
Ming-Tao Hua			BROWN, MICHAEL A	
P.O. Box No. 6-57, Junghe Taipei, 235			ART UNIT	PAPER NUMBER
TAIWAN	•		3764	
			DATE MAILED: 11/01/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

1) Responsive to communication(s) filed on 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-6 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-6 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.	,	Application No.	Applicant(s)				
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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (prior art in figure 1) in view of Chubinsky

Huang discloses in figure 1 a tri-point replacement handheld massage device comprising a main body 11, a massage section 13, the neck section and the massage section joined in a fixed manner (fig. 1) and a neck section 12. However, Huang does not disclose the neck section joined to the massage section by a dilated section, the neck section being connected to the main body by a screw thread, a projection section on the screw thread and the main body having screw openings. Chubinsky teaches in figure 1 a massage section 10 having a massage section 22, a neck section 23, a dilated section (where 22 and 23 are joined together), a thread 27 on the neck section and a projection 25. The screw thread is fastened in an opening 33 in the main body 30. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the massage section disclosed by Chubinsky could be substituted for the massage section disclosed by Huang. The threads would be used to

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fasten the neck section to the main body via the threaded opening in the main body.

The dilated section would provide a tapered massaging section and a connection between the neck section and the massage section. The projection would be used to add strength to the device.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kuznet discloses a boy and joint massage device. Although this reference is pertinent prior art, it was not used to reject any claims, in the first office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is 703-308-2682. The examiner can normally be reached on 5:30 am-4:00 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 703-308-2698. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Brown October 25, 2004

> MICHAEL A. BROWN PRIMARY EXAMINER

Michael ab